

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

AUSTIN BEACH CLUB, LLC,

Plaintiff,

v.

ETHEREAL, LLC and STEPHEN
SABO,

Defendants.

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1:23-CV-603-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Dustin Howell concerning Plaintiff Austin Beach Club, LLC's ("ABC") Motion to Dismiss Defendants Ethereal, LLC and Stephen Sabo's (collectively, "Defendants") Amended Counterclaims, (Dkt. 23). (R. & R., Dkt. 36). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Howell issued his report and recommendation on January 25, 2024, and it was docketed on January 26, 2024. (*Id.*). ABC and Third-Party Defendants timely filed objections to the report and recommendations on February 9, 2024. (Dkt. 39).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because ABC and Third-Party Defendants objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules their objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 36), is **ADOPTED**. ABC's Motion to Dismiss Defendants' Amended Counterclaims, (Dkt. 23), is **DENIED**.

SIGNED on February 12, 2024.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE